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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,852

10/11/2006

Adriana Sartor

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07/17/2008

AKERMAN SENTERFITT

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EXAMINER

THOMAS, BRADLEY H

ART UNIT

PAPER NUMBER

2835

MAIL DATE

DELIVERY MODE

07/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,852	Applicant(s) SARTOR, ADRIANA	
	Examiner BRADLEY H. THOMAS	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/11/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: it is missing the appropriate headers shown below for the various content of the specification:

Content of Specification

- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

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- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

Furthermore, there are several grammatical errors throughout the specification. For example, on page 1, line 5, it is believed "an" should be inserted before "exchange". This also occurs in line 25. Also, lines 26-30 should be revised for improved clarity, as they are currently worded in such a manner that is difficult to comprehend.

On page 2, line 1, "an easy make" should be substituted by more common vernacular to the English language. Also, line 11 should be revised for clarity, in particular "a view in axial section". Line 27 should conclude with a period. In line 28, "allows to prevent interferences" should be revised for grammar.

On page 3, lines 2 and 7 should conclude with periods.

Appropriate correction is required.

Claim Objections

2. Claims 1-5 are objected to because of the following informalities:

Regarding Claim 1, line 1, "A" should be inserted before "Bimetallic", and "Bimetallic" changed to "bimetallic". Additionally, lines 3-4 for be revised for proper grammar, in particular "...and with electric contacts **with the outside, of** a relay electrically connected with said base and **of a sensitive thermostatic element...**" In line 6, "the sensing element" should be changed to "the sensitive thermostatic element" to avoid issues of antecedent basis.

Regarding Claim 2, line 1, "The" should be inserted before "Thermostat" and "Thermostat" changed to "bimetallic thermostat". This should also be corrected in claims 3-5.

Regarding claim 3, line 2, "said plate" should be changed to "said printed circuit" in order to avoid issues of antecedent basis.

Regarding claim 4, line 2, "...said electric contacts with the outside consist of..." should be revised for clarity. Also, in lines 2-3, "said electric wires" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Englund (US 4,567,458).

Regarding Claim 1, as best understood, Englund teaches a bimetallic thermostat with exchange contact comprising:

- an external support covering (24) and an internal device (see internal view of Fig. 1) made up of a pierced base (26) provided with a packing (42) and with electric contacts (50) with the outside, of a relay (46) electrically connected with said base (26, via the electrical connection of 50 with common board 40) and of a sensitive thermostatic element (12) electrically connected with said relay (46), characterized in that it additionally comprises a printed circuit (40) interposed between the sensing element (12) and the relay (46) (see col. 7, lines 26-37).

Regarding Claim 2, Englund teaches:

- said relay (46) is electrically connected with said base (26) by means of electric wires (leads of 46, see Figs. 1, 3 and 4).

Regarding Claim 3, Englund teaches:

- said sensing element (12) is connected with said plate (40) by means of feet (36, see Fig. 3).

Regarding Claim 4, as best understood, Englund teaches:

- said electric contacts (50) with the outside consist of external feet (see Fig. 1) with which said electric wires (leads of 46) are (electrically) connected (via the common electrical connection via board 40).

Regarding Claim 5, Englund teaches:

- said external covering (24) is partially provided with an external connection thread (see 30 in Fig. 1).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art on the PTO 892 form teach(es) thermostatic switches with bimetallic elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADLEY H. THOMAS whose telephone number is (571)272-9089. The examiner can normally be reached on 7:00am - 3:30pm (Eastern).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BHT

/Jayprakash N Gandhi/
Supervisory Patent Examiner, Art Unit 2835